

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

*Track Three Cases*

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

---

**NOTICE OF SERVICE OF REPLY MEMORANDUM  
IN SUPPORT OF DEFENDANTS' MOTION TO EXCLUDE  
THE OPINIONS AND TESTIMONY OF ANNA LEMBKE**

---

Defendants<sup>1</sup> hereby provide notice that on August 27, 2021, they served unredacted copies of the following documents on all Parties, the Court, and Special Master Cohen:

- Reply Memorandum in Support of Defendants' Motion to Exclude the Opinions and Testimony of Anna Lembke; and
- Declaration of Tara A. Fumerton, along with the corresponding Exhibits 1 & 2.

---

<sup>1</sup> Defendants are: Walmart Inc. ("Walmart"); CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS Pharmacy, Inc., CVS TN Distribution, L.L.C., and Ohio CVS Stores, L.L.C. (together, "CVS"); Giant Eagle and HBC Service Company (together, "Giant Eagle"); and Walgreens Boots Alliance, Inc., Walgreen Co. and Walgreen Eastern Co., Inc. (together, "Walgreens"). Rite Aid was severed from the Track 3 Cases on August 26, 2021.

Dated: August 27, 2021

Respectfully submitted,

/s/ John M. Majoras  
John M. Majoras  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, DC 20001  
Phone: (202) 879-3939  
Email: [jmmajoras@jonesday.com](mailto:jmmajoras@jonesday.com)

Tina M. Tabacchi  
Tara A. Fumerton  
JONES DAY  
77 West Wacker  
Chicago, IL 60601  
Phone: (312) 269-4335  
E-mail: [tmtabacchi@jonesday.com](mailto:tmtabacchi@jonesday.com)  
E-mail: [tfumerton@jonesday.com](mailto:tfumerton@jonesday.com)

*Attorneys for Walmart Inc.*

/s/ Alexandra W. Miller (consent)  
Alexandra W. Miller  
Eric R. Delinsky  
ZUCKERMAN SPAEDER LLP  
1800 M Street, NW  
Suite 1000  
Washington, DC 20036  
Phone: (202) 778-1800  
E-mail: [smiller@zuckerman.com](mailto:smiller@zuckerman.com)  
E-mail: [edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)

*Attorneys for CVS Indiana, L.L.C., CVS Rx  
Services, Inc., CVS Pharmacy, Inc., CVS TN  
Distribution, L.L.C., and Ohio CVS Stores,  
L.L.C.*

/s/ Robert M. Barnes (consent)

Robert M. Barnes  
Scott D. Livingston  
Joshua A. Kobrin  
MARCUS & SHAPIRA LLP  
35th Floor, One Oxford Centre 301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Email: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)  
Email: [livingston@marcus-shapira.com](mailto:livingston@marcus-shapira.com)  
Email: [kobrin@marcus-shapira.com](mailto:kobrin@marcus-shapira.com)

*Attorneys for Giant Eagle and HBC Service  
Company*

/s/ Kaspar J. Stoffelmayr (consent)

Kaspar J. Stoffelmayr  
Brian C. Swanson  
Katherine M. Swift  
Sharon Desh  
Sten A. Jernudd  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, Illinois 60654  
Phone: (312) 494-4400  
E-mail: [kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)  
E-mail: [brian.swanson@bartlitbeck.com](mailto:brian.swanson@bartlitbeck.com)  
E-mail: [kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)  
E-mail: [sharon.desh@bartlitbeck.com](mailto:sharon.desh@bartlitbeck.com)  
E-mail: [sten.jernudd@bartlitbeck.com](mailto:sten.jernudd@bartlitbeck.com)

Alex J. Harris  
BARTLIT BECK LLP  
1801 Wewatta Street, Suite 1200  
Denver, Colorado 80202  
Phone: (303) 592-3100  
E-mail: [alex.harris@bartlitbeck.com](mailto:alex.harris@bartlitbeck.com)

*Attorneys for Walgreens Boots Alliance, Inc.,  
Walgreen Co. and Walgreen Eastern Co., Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that, this 27th day of August, 2021, I served a copy of the foregoing via the Court's ECF system to all counsel of record.

/s/ John M. Majoras  
John M. Majoras

*Attorney for Walmart Inc.*